

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Claude W. Moffatt,

Plaintiff(s),  
v.

Case No. 09-12320  
Hon. Sean F. Cox

Department of the Treasury,

Defendant(s).

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**ORDER DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS***  
**AND FOR APPOINTMENT OF COUNSEL**

Plaintiff submitted his Complaint and Application to Proceed *in forma pauperis* and for Appointment of Counsel on June 16, 2009. The Court has reviewed Plaintiff's Application and has determined that he is not entitled to proceed *in forma pauperis*. Plaintiff's income is \$2,200.00 per month, and the financial information in the application does not indicate that Plaintiff is unable to pay the filing fee.

Likewise, Plaintiff is not entitled to appointment of counsel. Typically, this court appoints counsel in a case only under exceptional circumstances and, in any event, only after the claims have survived a dispositive motion. There are no exceptional circumstances in this case that would warrant the appointment of counsel at this time, and plaintiff's claims have not yet been tested by a dispositive motion;

Therefore, the Court DENIES Plaintiff's Application to Proceed *in forma pauperis*, and Plaintiff's Application for Appointment of Counsel. Plaintiff is directed to pay the filing fee by **August 20, 2009**. Failure to pay the filing fee by this deadline may result in dismissal of the

complaint.

SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: August 4, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 4, 2009, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager

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**PROOF OF SERVICE**

I hereby certify that on August 4, 2009, a copy of the Order Denying Application to Proceed in forma pauperis and appointment of counsel was served upon Claude W. Moffatt by First Class Mail at the address below:

Claude W. Moffatt  
8895 Lenore  
Redford, MI 48239

S/Jennifer Hernandez  
Case Manager